

UNITED STATES DISTRICT COURT  
for the  
District of South Carolina

United States of America

v.

Nicholas Kelly Cain

Date of Original Judgment: 04/14/2010

Date of Previous Amended Judgment: 09/11/2013

(Use Date of Last Amended Judgment if Any)

Case No: 4:09-cr-00073-TLW

USM No: 17094-171

William F. Nettles IV

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

(Complete Parts I and II of Page 2 when motion is granted)

This case does not qualify because the Chapter Four enhancements override Chapter Two.  
Defendant is a career offender.

Except as otherwise provided, all provisions of the judgment dated 09/11/2013 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 05/12/2015

s/ Terry L. Wooten

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Terry L. Wooten, Chief United States District Judge

Printed name and title